

EXHIBIT 10

NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY
VIDEOTAPED DEPOSITION OF JEAN ATKINSON on 03/10/2015

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 IN RE: NEW ENGLAND
5 COMPOUNDING PHARMACY,
6 INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

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8 THIS DOCUMENT RELATES
9 TO:

10 All Actions
11
12 ~~~~~

13
14 VIDEOTAPED DEPOSITION OF
JEAN ATKINSON

15
16 9:04 a.m.
March 10, 2015

17
18 Suite 1100
19 315 Deaderick Street
Nashville, Tennessee

20
21 Blanche J. Dugas, RPR, CCR No. B-2290
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23
24
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1 A. No.

2 Q. Okay. All right.

3 A. Not to my recollection.

4 Q. Okay. Let's talk about that time in
5 approximately 2009 when Calisher was hired. What was
6 your understanding of why Calisher was hired by
7 Specialty Surgery?

8 A. My understanding at that time, Calishers
9 was coming in to rewrite our insurance contracts and
10 manage the operation of the center.

11 Q. And by manage the operation of the center,
12 that would be payroll, that would be vendor payments,
13 that would be procurement, those sorts of things; is
14 that correct?

15 A. My understanding was when they come in, any
16 decisions as far as staff, changes in policy, vendors,
17 everything had to go through the Calishers.

18 Q. So let's talk specifically about
19 pharmaceutical products since that's kind of why we're
20 all here today. If you needed to order more of a
21 specific pharmaceutical product during your weekly
22 review of inventory, would you go to Calisher and say,
23 "We need to order X amount of this drug," or would you
24 just -- or how would that work? What would that
25 process be?

1 A. When the Calishers come in, they done
2 inventory of everything we had in the center, and if
3 it was already an established drug, we did not have to
4 go through the Calishers.

5 Q. Okay. And how would it become an
6 established drug? Did they create a formulary that
7 listed what was already established that you could
8 order and what wasn't?

9 A. Yes.

10 Q. And was that formulary created by the
11 Calishers based upon what you were already using in
12 the facility?

13 A. Yes.

14 Q. Okay. I'm going to hand you what was
15 marked yesterday as Exhibit 91 and ask you to take a
16 look at SSC-00954. Is that the formulary -- and the
17 question I'm going to ask you as you look at that is:
18 Is that the formulary that Calisher created for
19 Specialty Surgery?

20 MR. GASTEL: Does anybody need a copy
21 of that?

22 THE WITNESS: Yes.

23 Q. (By Mr. Stranch) And so when this says
24 Afrin, that means that you had already been ordering
25 and stocking Afrin specifically in the facility and



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1 you were able to continue doing that without having to
2 come back to the Calishers; correct?

3 A. Yes.

4 Q. By the same token, Depo-Medrol is on here.
5 And so as long as you continued to order specifically
6 Depo-Medrol, you didn't have to go back to the
7 Calishers; correct?

8 A. Yes.

9 Q. MPA is not listed on here, correct, or
10 methylprednisolone acetate not listed on here;
11 correct?

12 A. Depo-Medrol and MPA is the same drug.

13 Q. And so it's your belief that there is -- so
14 it was your belief that you could order the MPA
15 without having to go to the Calishers; is that
16 correct?

17 A. Yes.

18 Q. And where did that understanding come from?
19 Did the Calishers tell you that?

20 A. I'm not sure where you're going from there.

21 Q. Well, I'm asking you. I mean, you have no
22 pharmaceutical training --

23 A. Yes.

24 Q. -- so how do you know there's no difference
25 between Depo-Medrol the branded drug and MPA